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August 1, 2007

**Via U.S. Mail and Email**

Daniel Lennington, Esq.  
Assistant Attorney General  
Office of Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 74119

RE: *State of Oklahoma v. Tyson Foods, Inc., et al.*, Case No. 05-CV-0329-TCK-SAJ  
In the U.S. District Court for the Northern District of Oklahoma  
**Peterson Farms, Inc.'s ESI Privilege Log**

Dear Mr. Lennington:

I am in receipt of your July 31, 2007 correspondence, and your understanding with regard to Peterson Farms, Inc.'s initial production of electronically stored information (ESI) and the associated Privilege Log is mistaken.

As an initial matter, Local Civil Rule 26.4 of the United States District Court for the Northern District of Oklahoma excepts "written communications between a party and its trial counsel after commencement of the action and the work product material created after the commencement of the action" from the obligation to log materials withheld from production on the basis of privilege. Peterson's initial production of ESI contained only materials dated subsequent to the commencement of the Plaintiffs' lawsuit. Accordingly, Peterson did not and does not have an obligation to log ESI falling within the scope of LCvR 26.4.

That said, Peterson's review of its ESI is ongoing, and its production to Plaintiffs will be periodically supplemented with additional ESI responsive to their outstanding discovery requests. Undoubtedly, through this process, Peterson will identify privileged materials falling outside the scope of the exception to LCvR 26.4. As these materials are identified in the course of the review and supplemental production process, any materials withheld from production on the basis of privilege will be logged accordingly. This process is identical to that employed by all parties throughout the initial disclosure and discovery phase of this litigation.

If you have any questions regarding this issue, please contact me at your convenience.

Very truly yours,

McDANIEL, HIXON, LONGWELL & ACORD, PLLC

A handwritten signature in blue ink, appearing to read "Philip D. Hixon", is written over the printed name. The signature is fluid and stylized, with a long horizontal stroke at the end.

Philip D. Hixon

PDH/jlw

cc: A. Scott McDaniel, Esq.